AMENDED IN SENATE AUGUST 28, 2006

AMENDED IN SENATE JUNE 22, 2006

AMENDED IN ASSEMBLY MAY 26, 2005

AMENDED IN ASSEMBLY APRIL 13, 2005

AMENDED IN ASSEMBLY MARCH 14, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 172

Introduced by Assembly Member Chan

(Principal coauthor: Senator Escutia)

(Coauthors: Assembly Members Berg, Bermudez, Cohn, Coto, Evans, Hancock, Jones, Koretz, Leno, Lieber, Liu, Montanez, Mullin, Nava, Parra, Pavley, Ruskin, Salinas, and Yee)

(Coauthors: Senators Figueroa, Florez, Kuehl, Lowenthal, and Ortiz)

January 20, 2005

An act to amend Section 8235 of, and to add Article 7.5 (commencing with Section 8238) to Chapter 2 of Part 6 of, the Education Code, relating to preschool. An act to add Sections 8238, 8238.1, 8238.2, 8238.3, 8238.4, 8238.5, 8238.6, and 8239 to the Education Code, relating to child care, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 172, as amended, Chan. Universal preschool. Child care: state preschool programs.

Existing law, the Child Care and Developmental Services Act, establishes various full- and part-time programs for a comprehensive,

 $AB 172 \qquad \qquad -2 -$

coordinated, and cost-effective system of developmental services for children to age 13 and their parents. Other existing law, the Kindergarten Readiness Pilot Program, permits, until January 1,-2011 2014, school districts to participate in the program to provide kindergarten preparedness opportunities to increase a child's readiness for school. Existing law requires the Superintendent of Public Instruction to administer state preschool programs including part-time day and preschool appropriate programs for prekindergarten children 3 to 5 years of age.

This bill would make certain findings and state the intent of the Legislature with regard to universal preschool. The bill would require the Superintendent of Public Instruction to report to the Legislature by January 1, 2008, on state preschool programs, with certain requirements.

The bill would require the Superintendent of Public Instruction to convene a committee to develop a plan to coordinate the capacity and efficiency of the state system of postsecondary education for the purpose of preparing and training high quality staff in preschool programs, with certain requirements. The bill would require the committee to present the plan to certain committees of the Legislature and the Secretary for Education by January 1, 2008.

The bill would become operative only if funding is provided for purposes of the bill in the annual Budget Act or other statute.

This bill would require the Superintendent of Public Instruction and the State Department of Education to administer prekindergarten and family literacy programs in accordance with specified funding and other requirements. The bill would require a participating program to provide specified child development and family literacy services as a condition of receiving funding. The bill would require a local educational agency on behalf of one or more participating programs to select a program coordinator who may have specified duties. The bill would make an appropriation by making \$50,000,000 of the funds appropriated in a specified provision of the Budget Act of 2006 for child development and preschool programs available for expenditure by the Superintendent for purposes of prekindergarten and family literacy programs, as specified. The bill would require the Superintendent to conduct an evaluation of the effectiveness of those programs, as specified. The bill would also make an appropriation by making \$5,000,000 of unearned contract funds appropriated in a specified provision of the Budget Act of 2005 for general child care

-3- AB 172

programs available for expenditure by the Superintendent to provide direct child care services for children in participating classrooms, as specified. The bill would require the Superintendent to encourage participating providers to offer full-day services through a combination of part-day preschool slots and part-day general child care and development programs.

This bill would appropriate \$150,000 from the General Fund to the State Department of Education for the 2006–07 fiscal year to administer specified child development and preschool programs.

Vote: majority. Appropriation: no-yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the 2 following:

- (a) A compelling body of respected research demonstrates that quality preschool programs benefit children and their families, the public school system, public safety, the economy, and society as a whole.
- (b) California has an enormous opportunity to reach children at a time when they are eager and ready to learn. 90 percent of brain development takes place before age five, making early childhood the best time to invest in preschool programs that boost learning, creativity, and social skills. Preschool programs lay a strong foundation that helps children succeed in school and in life.
- (c) Quality preschool experiences boost academic achievement in school, decrease grade retention, decrease special education placements, and increase graduation rates. Quality preschool further reduces the likelihood of later arrest and incarceration, and increases college attendance and earnings in adulthood. A recent Rand Corporation report states that every dollar invested in quality preschool in California would return as much as two to four dollars to the public.
- (d) Hundreds of thousands of children in this state do not have access to quality preschool. Preschool age children enroll at a rate of just 47 percent below the national average and far below international comparisons.

AB 172 —4—

(e) The fastest growing segment of the preschool age population is the most underenrolled, in that Latino children account for nearly half of all preschool age children, yet have the lowest enrollment rate of any ethnic group, just 37 percent.

(f) Of the estimated 1.1 million children who are three to five years old and not yet enrolled in kindergarten, about 39 percent would likely be designated as English language learners. Therefore, pathways to excellence must be created for all children while communicating respect and support for differences in cultural origins.

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 (d) Quality preschool experiences decrease special education placements, in part because they have the potential to provide early identification and intervention for young children with exceptional needs, which can reduce the need for ongoing special education services. Providing access to quality preschool for children with exceptional needs can help support their development and prepare them for a successful transition to kindergarten and beyond.

(h)

- (e) Research confirms the many benefits that children, parents, and preschool programs gain when parents are involved in their child's preschool learning both inside the classroom and at home.
- (i) Universal programs those available to all families are supported by research. Research shows that children from all backgrounds benefit from quality preschool. The school and life success of low-income and at-risk children may be significantly increased through quality preschool. But problems with school readiness are not confined to low-income children and neither are the benefits of preschool. A 2004 University of California study of California kindergartners found that children from all income backgrounds who attended preschool showed significant prereading and premath gains over children who did not attend preschool.
- (j) Low- and middle-income California families have low preschool enrollment rates. Private preschool may be prohibitively expensive, with quality programs in some communities costing twice as much per year as tuition to the California State University system.

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5 AB 172

(f) The Council of Chief State School Officers has found that efforts to reform and strengthen public education cannot succeed without a concerted effort to support and improve programs that provide care and education for our youngest children.

- (*l*) All California families should have access to quality preschool programs for their children.
- (m) These ideas are supported by many of the findings and recommendations of the National Education Goals Panel, the 2000 California Master Plan for Education, and the 1998 Universal Preschool Task Force.
- 11 SEC. 2. Section 8238 is added to the Education Code, to 12 read:
 - 8238. As a condition of receipt of funds pursuant to Section 8238.4, a participating program shall include, but not be limited to, both of the following:
 - (a) Age and developmentally appropriate activities for children in participating classrooms that are designed to facilitate their transition to kindergarten.
 - (b) Opportunities for parents and legal guardians to work with their children on interactive literacy activities. For purposes of this subdivision, "interactive literacy activities" means activities in which parents or legal guardians actively participate in facilitating the acquisition by their children of prereading skills through guided activities such as shared reading, learning the alphabet, and basic vocabulary development.
 - SEC. 3. Section 8238.1 is added to the Education Code, to read:
 - 8238.1. As a condition of receipt of funds pursuant to Section 8238.4, a participating program shall coordinate the provision of all of the following:
 - (a) Parenting education for parents and legal guardians of children in participating classrooms to support the development by their children of literacy skills. Parenting education shall include, but not be limited to, instruction in all of the following:
 - (1) Providing support for the educational growth and success of their children.
 - (2) Improving the parent-school communications and parental understanding of school structures and expectations.
- 39 (3) Becoming active partners with teachers in the education of 40 their children.

-6 -

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(b) Referrals, as necessary, to providers of instruction in adult education and English as a second language in order to improve the academic skills of parents and legal guardians of children in participating classrooms.

- SEC. 4. Section 8238.2 is added to the Education Code, to read:
- 8238.2. A local educational agency on behalf of one or more participating programs may select a program coordinator whose duties may include the following:
- (a) Developing a system to coordinate the provision of literacy services to families at the local educational agency and community level.
- (b) Creating an organizational partnership between each program provider and an adult education program operated by a local educational agency or other community provider, as needed.
- 17 (c) Promoting parental involvement in participating 18 classrooms.
- 19 SEC. 5. Section 8238.3 is added to the Education Code, to 20 read:
 - 8238.3. As a condition of receipt of funds pursuant to Section 8238.4, a participating program shall provide staff development for teachers in participating classrooms that includes, but is not limited to, all of the following:
 - (a) Development of a pedagogical knowledge including, but not limited to, improved instructional strategies.
 - (b) Knowledge and application of developmentally appropriate assessments of the prereading skills of children in participating classrooms.
 - (c) Information on working with families, including the use of on site coaching, for guided practice in interactive literacy activities.
- 33 SEC. 6. Section 8238.4 is added to the Education Code, to 34 read:
- 35 8238.4. *Of funds appropriated in Schedule (1) of Item* 36 6110-196-0001 of Section 2.00 of the Budget Act of 2006 (Ch.
- 37 48, Stats. 2006) for child development and preschool programs,
- 38 fifty million dollars (\$50,000,000) is available for expenditure by
- 39 the Superintendent as follows:

7 AB 172

(a) (1) Forty-five million dollars (\$45,000,000) to reimburse participating programs on a per-child basis at the same rate that is used for the state preschool program, as determined in the annual Budget Act or other statute.

- (2) The funds described in paragraph (1) shall be assigned to programs located in the attendance area of elementary schools in deciles 1 to 3, inclusive, based on the 2005 base Academic Performance Index pursuant to Section 52056. Within elementary schools in deciles 1 to 3, inclusive, based on the 2005 base Academic Performance Index, preference shall be provided to underserved areas as described in subdivision (d) of section 8279.3.
- (3) Notwithstanding any other provision of law, programs receiving funding in this section shall serve children who would attend kindergarten in the subsequent academic year. No child shall receive services from a program under this section for more than one year.
- (4) Notwithstanding any other provision of law, a program receiving funding pursuant to this section may provide services to children in families above the income eligibility threshold, as described in Sections 8263 and 8263.1, if the number of contracted slots exceed the number of eligible children. No more than 20 percent of contracted slots may be filled by children in families above the income eligibility threshold.
- (5) The department shall report to the Department of Finance and the Legislature at budget hearings the number of children who are being served with the funds described in paragraph (1). The report shall also include the number of children served above the income eligibility threshold and the age of all children served.
- (b) (1) Five million dollars (\$5,000,000) to be distributed to each participating classroom at a rate of two thousand five hundred dollars (\$2,500) per classroom per school year. Funds received pursuant to this subdivision may be used for all of the following purposes:
- 36 (A) Compensation and support costs for program coordinators 37 as described in Section 8238.2.
 - (B) Staff development pursuant to Section 8238.3.
 - (C) Family literacy services.
 - (D) Instructional materials, including consumables.

-8-

(2) In the event that the total amount described in paragraph (1) is insufficient to fund all of the participating classrooms at the per classroom rate described in that paragraph, the classroom rate shall be prorated accordingly.

- 5 (c) The appropriation of funds for purposes of this section 6 beyond the amounts described in this section shall be in the 7 annual Budget Act or other statute.
 - SEC. 7. Section 8238.5 is added to the Education Code, to read:
 - 8238.5. Subject to the availability of funds for purposes of this section, as described in subdivision (c) of 8238.4, the Superintendent shall conduct an evaluation of the effectiveness of prekindergarten and family literacy programs established pursuant to this article. To the extent feasible, the evaluation shall do both of the following:
 - (a) Rely on quantifiable measures of academic achievement of participating children, including, but not limited to, performance on the Standardized Testing and Reporting Program test and the English language development test administered in grade 3.
 - (b) Estimate the costs and benefits of the programs.
- 21 SEC. 8. Section 8238.6 is added to the Education Code, to 22 read:
 - 8238.6. Notwithstanding any other provision of law, up to five million dollars (\$5,000,000) of unearned contract funds appropriated in Schedule (1.5)(a) of Item 6110-196-0001 of Section 2.00 of the Budget Act of 2005 (Ch. 38, Stats 2005) for general child care programs is available for expenditure by the Superintendent to provide direct child care services for children in participating classrooms to meet the child care needs of parents for the portion of each day that is not covered by services provided as part of a preschool program pursuant Section 8238.4.
- 33 SEC. 9. Section 8239 is added to the Education Code, to 34 read:
 - 8239. The Superintendent shall encourage participating providers to offer full-day services through a combination of part-day preschool slots and part-day general child care and development programs. In order to facilitate a full-day of services, all of the following shall apply:

9 AB 172

(a) Part-day preschool programs shall operate between 175 and 180 days.

- (b) Part-day general child care and development programs may operate a minimum of 246 days per year unless the child development contract specified a lower minimum days of operation. Part-day general child care and development programs may operate a full-day for the remainder of the year after the completion of the preschool program.
- (c) Full day services provided under this section shall be reimbursed at no more than the standard reimbursement rate with adjustment factors.
- (d) Notwithstanding any provision of law, to be eligible for part-day child care, a child who is enrolled in a preschool program shall be required to meet the eligibility requirements specified in paragraph (4) of subdivision (a) of Section 8238.4 and the requirements pursuant to Section 8263 and 8263.1 at the time of enrollment in a preschool. Subsequent to enrollment, a child shall be deemed eligible for part-day care as long as the child is enrolled in a preschool program.
- SEC. 10. The sum of one hundred fifty thousand dollars (\$150,000) is hereby appropriated from the General Fund to the State Department of Education for the 2006–07 fiscal year to administer the programs described in Section 8238.4 of the Education Code.
- SEC. 2. Therefore, it is the intent of the Legislature to establish and provide a voluntary preschool-for-all system that conforms to the following principles:
- (a) Programs may be offered in a variety of settings including public schools, centers, family child care homes, faith-based institutions, and head start programs. These programs will meet research-based standards for social, emotional, cognitive, linguistic, and physical development, and are linked to public school system standards.
- (b) A goal will be set for preschool teachers to be educated and compensated at levels comparable to teachers in the public school system and early education professionals will have access to ongoing professional development.
- (c) Recognizing that parents are their children's first teachers, and that preschool programs benefit from engaged parents, programs will create opportunities for parent involvement in

AB 172 -10-

preschool settings, as well as for interaction between parents and preschool teachers and administrators. Quality preschools can become learning resources not only for children but for their parents as well.

- (d) Families will have access to programs with settings, locations, hours, and participatory opportunities that meet their needs and preferences, and that support their aspirations for their children. For working families, part-time preschool will be integrated with full-time daycare as seamlessly as possible.
- (e) Children of all cultural, ethnic, and linguistic backgrounds, income levels, and neighborhoods will be welcomed in inclusive programs designed to meet their needs.
- (f) Elements that promote the inclusion of children with exceptional needs will be integrated into the planning and design of programs, facilities, staff training programs, and the provision of resources for parents.
- (g) A system of public accountability will be established at state and local levels to ensure maximum benefits for children, equal access to services, proper use of tax dollars, and transparency to the public.
- (h) Programs will meet established standards of the public school system, providing adequate pay and benefits for qualified teachers, establishing accessible higher education opportunities for the preparation of the workforce, developing suitable preschool facilities, and engaging in ongoing quality assessments. Financing of preschool should not detract from funding for infants, toddlers, and schoolage children, nor child care subsidies that enable low-income families to work.
- (i) A preschool-for-all system will connect coherently with the public education system as well as programs serving infants and toddlers and those providing full-time year-round child care and other services for children of all ages. In addition, the preschool-for-all system will connect families to other services, including health and nutrition resources, that support children's readiness to learn.
- (j) All children deserve the opportunity to get ready to do their best in school, and to succeed later in life. Quality preschool helps build a learning foundation that should be available to all families who want it for their children. The Legislature recognizes the benefits of quality preschool, and that the public

-11- AB 172

education system, the economy, and quality of life will be strengthened by providing quality preschool for all children.

- SEC. 3. Section 8235 of the Education Code is amended to read:
- 8235. (a) The Superintendent shall administer all state preschool programs in accordance with the funding priorities set forth in Section 8236. Those programs shall include, but not be limited to, part-day and preschool appropriate programs for prekindergarten children three to five years of age in educational development, health services, social services, nutritional services, parent education and parent participation, evaluation, and staff development. Preschool programs for which federal reimbursement is not available shall be funded as prescribed by the Legislature in the Budget Act, and unless otherwise specified by the Legislature, shall not utilize federal funds made available through Title XX of the Social Security Act (42 U.S.C. Sec. 1397).
- (b) Federal Headstart funds used to provide services to families receiving state preschool services are nonrestricted funds.
- (e) Priority for receiving state preschool services shall be given to low-income families who meet the eligibility standards as established by the Superintendent, in accordance with the priorities set forth in Section 8236.
- (d) Reimbursement for state preschool programs shall be on a per capita basis, as determined by the Superintendent.
- (e) Any agency described in subdivision (c) of Section 8208 as an "applicant or contracting agency" is eligible to contract to operate a state preschool program.
- (f) The Superintendent shall prepare a report regarding the types of preschool programs that receive funding pursuant to this article. This report shall include, but not be limited to, data relating to the geographic and income distribution of participants in these programs. The Superintendent shall submit this report to the Legislature on or before January 1, 2008.
- 36 SEC. 4. Article 7.5 (commencing with Section 8238) is added to Chapter 2 of Part 6 of the Education Code, to read:

AB 172 — 12 —

 Article 7.5. Preschool for All and Investment in Postsecondary Education for a Well-Qualified Workforce

8238. The Legislature finds and declares all of the following:

- (a) Research demonstrates that the benefits children reap from preschool are directly tied to the quality of preschool programs, including the skill of instructional staff.
- (b) Many researchers, educators, early childhood experts, parents, and community leaders agree that qualified, skilled teachers are an essential element in ensuring that California's preschool-for-all system fosters children's school success, as well as the development of their social, emotional, physical, and cognitive skills that will help them succeed in life.
- 8238.1. (a) The Superintendent shall convene a committee to develop a plan to coordinate the capacity and efficiency of the state system of postsecondary education for the purpose of preparing and training high quality staff in preschool programs. The plan shall address the enhancement of the postsecondary education system infrastructure for the purpose of educating, preparing, and supporting a well-trained, culturally and linguistically diverse teaching and administrative staff to work with all children in preschool programs and early learning programs.
- (b) The committee shall consist of experts in early child care and education, parents, and representatives from all levels of postsecondary education and shall be composed of representatives from all of the following:
- (1) The University of California, if the Regents of the University of California choose to participate.
 - (2) The California State University.
 - (3) The California Community Colleges.
- 32 (4) Private colleges and universities located in the state.
 - (5) The Commission on Teacher Credentialing.
- 34 (6) The State Department of Education.
 - (7) The California Children and Families Commission and county commissions established pursuant to Section 130140.1 of the Health and Safety Code.
- 38 (8) The Workforce Development Blue Ribbon Committee 39 convened by the California Children and Families Commission.

13 AB 172

(9) Early child care and education experts and practitioners, including administrators, teachers, providers, and experts in early childhood development, research and especially those with expertise in the following areas:

- (A) Brain and social-emotional development.
 - (B) Content learning areas.
- 7 (C) Teaching children who are learning English as a second 8 language.
 - (D) The inclusion of special needs children.
- 10 (10) Teachers and administrators in the public schools.
- 11 (11) Early care and education mentor representatives.
- 12 (12) Early care and education trainers who provide training outside of the postsecondary education system.
 - (13) Parent groups.
- 15 (14) Child advocacy organizations.
- 16 (15) The Department of Finance.
- 17 (16) The Governor.

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- 18 (17) Designees of the President pro Tempore and the minority 19 leader of the Senate, and of the Speaker and the minority leader 20 of the Assembly.
- 21 (e) Upon its completion on or before January 1, 2008, the 22 committee shall present the plan to the Senate Committee on 23 Education, the Assembly Committee on Education, the Assembly 24 Committee on Higher Education, and the Secretary for 25 Education.
 - 8238.2. The plan developed by the committee pursuant to Section 8238.1 shall include, but not be limited to, recommendations on all of the following:
 - (a) Providing funding to institutions of postsecondary education, providers of professional development, and other entities that prepare instructional staff, to increase their capacity to educate, train, prepare, and support well-trained, culturally and linguistically diverse teaching and administrative staff to work with children in preschool programs and early learning programs.
 - (b) Providing assistance, including various types of financial incentives and academic support, to current and potential preschool teachers who seek additional training and education, especially training and education in meeting the linguistic, cultural, and special needs of children. This aspect of the infrastructure should involve coordination with the California

AB 172 — 14 —

Student Aid Commission and other institutions and local organizations that provide education and professional development opportunities.

- (c) Defining multiple strategies and pathways for instructional staff and administrators to meet the required staff qualifications of preschool programs. These strategies and pathways should ensure access to postsecondary education opportunities for early eare and education professionals currently at all levels of the eareer ladder, including home-based and center-based providers.
- (d) Delineating core competencies that teachers and administrators of early care and education programs should possess in order to achieve the desired child outcome goals.
- (e) Aligning college instruction among all levels of the postsecondary educational system to provide, at all those levels, eurriculum in early child care and education and the methods by which to establish uniformity of course content and certification requirements.
- (f) Articulating a system throughout the postsecondary education system and training institutions for the training of preschool teachers and their professional development.
- (g) Standardizing the sequence of practicums or other field-related coursework across all levels of the postsecondary educational system so as to reduce duplication of courses among transfer students.
- (h) Creating a mechanism to approve or accredit training and academic programs that prepare preschool teachers and to approve the certification of trainers and teachers of those programs.
- (i) Providing a method to create academic and career counseling opportunities for current and potential providers of early care and education.
- (j) Establishing access to ongoing professional development for preschool teachers.
- (k) Developing strategies to recruit and retain professors, professional development trainers, teachers, and administrators of early care and education programs who reflect the ethnic, racial, linguistic, and cultural diversity of the families of California based on the most recently released census data.
- (1) Providing appropriate compensation incentives to reward educational attainment, experience, and professional

15 AB 172

development activities for all staff in the early care and postsecondary education system, to ensure that highly trained staff are present in all aspects of the system.

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SEC. 5. This act shall become operative only if funding is provided for purposes of its provisions in the annual Budget Act or other statute.